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8 Attorneys for Respondent,
9 APPLE INC.

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 IN RE: *EX PARTE* APPLICATION OF
15 HMD GLOBAL OY FOR AN ORDER
UNDER 28 U.S.C. § 1782 TO OBTAIN
16 DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS

Case No. 25-mc-80022-VKD

**RESPONDENT APPLE INC.'S
RESPONSE TO EX PARTE
APPLICATION OF HMD GLOBAL
OY FOR AN ORDER UNDER 28
U.S.C. § 1782 TO OBTAIN
DISCOVERY FOR USE IN
FOREIGN PROCEEDINGS**

1 Pursuant to this Court’s February 5, 2025, order (Dkt. 8), Respondent Apple
2 Inc. (“Apple”), submits the following response to the application of Petitioner HMD
3 Global OY (“HMD”) for an order granting leave to obtain discovery pursuant to 28
4 U.S.C. § 1782 (Dkt. 1, “Application”).

5 Apple takes no position at this time on whether HMD’s Application should be
6 granted, but it reserves all rights in connection with any subsequent subpoena.
7 Among other things, Apple is currently seeking to assess the confidentiality of the
8 information HMD is seeking, whether that information might be admissible or
9 probative in the German proceedings, and how its confidentiality might be
10 protected. Apple is also currently unsure whether and in what circumstances the
11 discovery HMD seeks from Apple could be obtained in the German proceedings.
12 Apple notes, in particular, that while HMD’s Application states that the German
13 court “denied” HMD’s requests for the production of certain Qualcomm licenses
14 (Dkt. 1 at 9), the supporting declaration says only that the requests “were not
15 granted,” suggesting that the court may not yet have definitively ruled on them
16 (Dkt. 1-1 at 9).

17 Apple reserves all rights and objections with respect to HMD’s proposed
18 subpoena (Dkt. 1-3, “Subpoena”), if it should issue. As this Court’s February 5,
19 2025 order recognizes, Apple’s response is “without prejudice to [Apple’s]
20 opportunity to file a motion to quash or modify the subpoena, if one is issued.”
21 (Dkt. 8.) It is well-established that respondents in § 1782 proceedings may move to
22 quash or otherwise object to subpoenas issued after the initial § 1782 application is
23 granted. *E.g., CPC Pat. Techs. Pty Ltd. v. Apple Inc.*, 119 F.4th 1126, 1134 (9th
24 Cir. 2024) (recognizing that respondents in § 1782 proceedings may subsequently
25 object to or move to quash subpoenas after the initial grant of a § 1782 application);
26 *In re Application of JSC Com. Bank Privatbank*, No. 21-MC-80216-VKD, 2021 WL
27 4355334, at *4 (N.D. Cal. Sept. 24, 2021) (holding that respondent would have the
28 opportunity to object to document requests following service of subpoena, where it

1 was unclear at the application stage whether production of requested discovery
2 would be unduly burdensome).

3 Accordingly, if this Court grant HMD's Application, Apple respectfully
4 requests that the Court's order recognize that Apple may subsequently move to
5 quash or otherwise challenge the Subpoena.

6 DATED this 19th day of February, 2025.

7 Davis Wright Tremaine LLP

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9 s/ James Sigel
James Sigel

10 *Attorneys for Respondent Apple Inc.*
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